

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

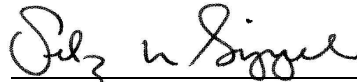
JAMES SMALLEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:10CV319 RWS
)	
MICHAEL GAMACHE, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Plaintiff's "third motion for the same documents as out in his two previous motions for production of documents" is not really a motion. Instead, it is a request for production of documents which, as I have previously explained, is not a motion and should be served on defendants but not filed with the Court. Therefore, I will order the Clerk of the Court to deny this as a motion. However, I will not return the document to plaintiff, and I will order the defendants to treat this motion as a request for production of documents and require them to respond by August 15, 2012 as previously ordered. I will also order defendants to file their written responses (but not the responsive documents) with the Court since there has been so much prior litigation about the adequacy of defendants' responses. The responses shall be attached as a exhibit to a Notice of compliance with this Order.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's third motion for production of documents [#81] is denied as set out above, but shall be treated by the Court and defendants as a request for production of documents, and defendants are required to respond to this discovery request and file their response as set out above by **August 15, 2012.**

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", written in black ink.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of July, 2012.